

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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COREY FORD,

Plaintiff,

vs

9:09-CV-723

BRIAN FISCHER, Commissioner, DOCS;  
JOSEPH T. SMITH, Superintendent/Ist  
Deputy Superintendent; JOHN MALY, Deputy  
Superintendent of Security; MS. PARISI, Head  
Mail Clerk of Correspondence Program, all of  
Shawangunk Correctional Facility; and ERIC  
GUTWEIN, Commissioner, Hearing Officer,  
a/k/a Eric Wisegut,

Defendants.

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APPEARANCES:

OF COUNSEL;

COREY FORD  
Plaintiff, Pro Se  
95-A-8605  
Shawangunk Correctional Facility  
PO Box 700  
Wallkill, NY 12584

HON. ERIC T. SCHNEIDERMAN  
Attorney General of the  
State of New York  
Attorney for Defendants  
Department of Law  
The Capitol  
Albany, New York 12224

BRIAN J. O'DONNELL, ESQ.  
Asst. Attorney General

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Plaintiff, Corey Ford, commenced this civil rights action in June 2009, pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated January 31, 2011, the Honorable Andrew T. Baxter, United States Magistrate Judge, recommended that the defendants'

motion to dismiss (Docket No. 32) be denied with respect to the First Amendment claim against defendant Maly and Smith relating to the continuation of the mail watch against plaintiff in 2008 and 2009, and the First Amendment claim against defendant Smith relating to his refusal to permit plaintiff to marry; and that defendants' motion be granted and plaintiff's second amended complaint be dismissed with respect to all other defendants and claims. The plaintiff has filed objections to the report-recommendation.

Based upon a de novo review of the entire file, including the portions of the Report-Recommendation to which plaintiff has objected, and the recommendations of Magistrate Judge Baxter, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

Accordingly, it is

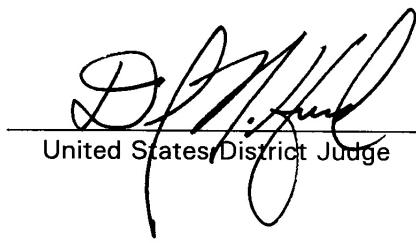
ORDERED that

1. The defendants' motion to dismiss (Docket No. 32) is DENIED with respect to the First Amendment claim against defendants John Maly and Joseph T. Smith relating to the continuation of the mail watch against plaintiff in 2008 and 2009;
2. The defendants' motion to dismiss is DENIED with respect to the First Amendment claim against defendant Joseph T. Smith relating to his refusal to permit plaintiff to marry;
3. Defendants' motion is GRANTED with respect to all other defendants and claims;
4. Plaintiff's second amended complaint is DISMISSED with respect to all other defendants and claims;

5. The Clerk is directed to return the file to the Magistrate Judge for further scheduling and/or pretrial procedures regarding the remaining claims.

IT IS SO ORDERED.

Dated: March 9, 2011  
Utica, New York.

  
United States District Judge